

## Ex-President of the New Haven on the Stand at Washington



CHAS. S. MELLENTESTIFYING before the INTERSTATE COMMERCE COMMISSION YESTERDAY

## MORGAN UNLOADED ROAD ON BOSTON AND MAINE BY PHONING TO MELLENT

(Continued from First Page.)

Finance Committee and they agreed to the loan.

Folk endeavored to indicate a connection between the loan and the passage by the Massachusetts Legislature of a bill authorizing the New Haven to hold the Boston and Maine.

"The loan was made a year or two before the bill was brought up in the Legislature," Mellen insisted.

"Outside of these loans made to yourself and Billard, can you tell us of any other large sums loaned by the New Haven to its subsidiaries?" Folk asked.

"There were such loans, but I cannot remember to whom."

Q. Who authorized the Haskell loan? A. The Finance Committee of the New England Navigation Company.

Q. That was Morgan, Rockefeller, Miller and yourself, wasn't it? A. I guess so, but the records will show exactly.

Q. Was there any connection between this loan and a note for \$300,000 made by the United States Trust Company on May 22, 1907? A. I guess so. The trust company got the Boston Herald collateral. I considered these notes worth their face value during all the time the New England Navigation held them.

HAD NO CONNECTION WITH REORGANIZATION.

Q. Had you any connection with the reorganization of the Boston Herald Company? A. Yes; I was at some of the meetings representing the Billard Company and met several lawyers and all of the reorganization committee.

Q. Was Lee Higginson & Co. represented? A. I don't know.

Mellen said that Richard Olney was not there and he (Mellen) was never in the Herald office.

"It was not generally known that the navigation company, a New Haven subsidiary, had a big interest in the Boston Herald before the reorganization, was it?" Folk asked.

"No, it was not advertised," said Mellen.

Mellen emphatically denied that the New Haven had forced the passage of the holding bill through the Legislature.

"I did not believe the bill was all the New Haven should get," he said. "It did not meet the situation. But Gov. Draper wanted it passed and he forced it through the Legislature through his own influence."

Mellen said the bill was passed to permit the New Haven to buy back its control of the B. & M. from the Billard Company. He said he had passed upon its merits at the request of Timothy E. Byrnes, former vice-president of the New Haven.

"He was our legislative and publicity agent," demanded Folk.

"No; Mr. Choate was our legislative agent, and so far as Byrnes being a publicity agent is concerned let me say a railroad man cannot avoid publicity these days. Some of us got too much."

Mellen declared that the real trouble with the New Haven merger with the B. & M. was the ownership of the trolley lines by the latter.

"That caused all the criticism,"

the B. & M. had not owned trolleys there would never have been any complaint."

Mellen declared that he tried to enlighten public opinion to favor ownership of trolleys by steam roads. He was asked whether he did not know that Byrnes had a number of newspapermen on his pay roll.

"I heard so, but it is a criticism of Mr. Byrnes or of the newspapermen," demanded Mellen.

He was then asked if he did not know that many New England newspapers were carried on the New Haven's pay roll.

"I do not think so. Some were."

Q. You paid big bills to the Boston Republic? A. I paid it for advertising.

Q. And Mayor Fitzgerald of Boston was owner of that paper? A. He was, but that was not my object.

Q. No, rather a help wasn't it? A. No, simply not an obstacle.

Q. Did you spend \$400,000 in enlightening public sentiment in this regard? asked Mr. Folk. A. I know nothing of that kind.

Mr. Mellen further said that he knew little of the details of the work of Vice-President Timothy E. Byrnes of the New Haven.

Q. Did he spend money to influence legislation? A. I am sure not.

Q. Do you recall the "prayer for the hills"? A. Yes, in general, but I know little about it.

Q. Did you pay for it? A. I fancy I have to pay for all prayers in my behalf.

There were a large number of newspapers carried on the payroll of the New Haven? asked Mr. Folk.

NEVER HEARD OF SOME OF THE PAPERS.

"I never heard of a large number of newspapers on our payroll. I never heard of some papers until I saw them mentioned in the testimony of Vice-President Byrnes."

Q. Can you give me those papers? A. No, I do not pray in that way."

"You spell it p-r-e-y," mused Mr. Folk.

Mellen was asked in the deal with Billard, whereby the control of the B. & M. passed from the Billard Company to the Boston Railway Holding Company, the New Haven's subsidiary, whether the New England Navigation Company did not actually lose \$1,000,000. He stated there was an apparent loss of that sum but none actually. He explained he had negotiated the entire transaction with Billard and the latter had made only a reasonable profit on it.

When Mellen was confronted with a report indicating that Billard had made a profit of exceeding two million dollars on the deal he declared it wrong. Folk and Mellen fenced at length. The attorney tried hard

to show that the entire Boston and Maine transaction with Billard, both the original sale and subsequent purchase, was in the nature of the "frame up" and was not a bona fide transaction, but Mellen emphatically denied the allegation.

Gov. Folk read the minutes of a meeting of the directors of the New Haven, held on October 8, 1909, at which a report of the contract with John L. Billard regarding the transaction in 10,000 shares of Boston and Maine was ordered approved. Mr. Billard, in previous testimony, was said to have made \$2,748,700 out of the transaction.

### MELLENT HAD AUTHORITY TO MAKE BIG CONTRACTS.

Mr. Mellen said that a part of the minutes which made it appear that the New Haven had made a profit of \$1,000,000 was incorrect, but that a clause to the effect that Billard was only to get a commission was correct. Mr. Mellen further said that he made many contracts, not only with Mr. Billard, but with others, which he had not submitted to the Board of Directors.

"What authority did you have to make a contract with Mr. Billard involving payment by the New Haven of a tremendous profit on a stock transaction?"

"I had absolute authority and I reported my action to the Board."

"Why did the New England Navigation Company lose \$1,000,000?"

"I suppose there were some transactions between Mr. Billard and the company."

"How did it happen that Mr. Billard was allowed to wipe out his obligations later on a 4 per cent. basis instead of 5 per cent.?"

"That was Mr. Billard's way to pay as little interest as he could."

"Why did you accede to this?"

"He made objections to 5 per cent., and I thought there was ground for them and the board agreed."

Mr. Mellen then was asked as to the purchase of the Worcester, Nashua and Rochester Railroad by the New Haven. He said Mr. Morgan bought the controlling holdings of the road from the Mutual Life Insurance Company of New York.

Q. Did he consult you beforehand? A. No.

Q. What was the price paid? A. 160 or 165 a share, I think.

Q. What was your first knowledge of the transaction? A. Mr. Morgan phoned me he had bought the road and wanted me to take up the matter with Mr. Tuttle, president of the Boston and Maine, which had leased the road to the Mutual Life Insurance Company.

MORGAN GOT 15 MORE THAN THE OTHERS.

Mr. Mellen could not recall the number of shares that Mr. Morgan bought from the Mutual Life Insurance Company. He said that Mr. Morgan said it was a majority of the stock. He did not remember the amount involved.

"What compensation did Morgan get from the Boston and Maine directors for his part in the acquisition of the Worcester?"

"I do not remember that he was given anything at all except possibly a one-fourth or one-eighth commission."

Gov. Folk produced a letter from President Tuttle of the Boston and Maine, dated Jan. 18, 1910, and referred to the acquisition of the Mutual Life's holdings. After hearing it read Mr. Mellen said: "I think that shows I must have had some talk with Mr. Morgan before he made a phone conversation, but I still do not recall it."

"Now, Mr. Mellen, the Mutual Life got 145 shares of stock."

"Yes, the letter to Mr. Tuttle says it held 16,634 shares, so at 165, it received \$2,744,610."

"Is it not true that all other holders of the Worcester stock only got 150 for their shares?"

"Stock when held in big blocks always brings better prices."

At this point recess was taken until 5 o'clock.

Confronted with a letter he had written to Tuttle dealing with the Morgan purchase, Mellen amended his original testimony that Morgan had not discussed it with him.

"He must have done so," said Mellen, "but I don't think we discussed the price. Mr. Morgan paid \$2,744,610 for his control. The whole deal—stock, debts and the like—cost the B. & M. \$7,925,691."

"His was the master mind in all deals of the New Haven, wasn't it?" demanded Folk.

### HE ALWAYS BOWED TO WILL OF MORGAN.

"It was the master mind in everything Mr. Morgan was concerned in," was the reply. "But I considered Mr. Morgan the best business manager in America and I always bowed to his will. I felt he knew better than I did."

"In the light of the New Haven developments do you think Mr. Morgan's judgment was justified?" asked Folk.

"I think that if Mr. Morgan had lived a few years longer everything he had suggested for the benefit of the New England lines would have worked out for good. Mr. Morgan

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memorandum of proof. I desire to say that I intend calling for the purpose of proving Dago Frank's statement. Father Cashin, Miss Croft and Warden Clancy of Sing Sing.

The Court—I feel that I am bound by the authorities to exclude any testimony concerning the alleged dying statement of Croft or of any others after the murder was committed.

Mr. Manton—I think the Court errs in this.

The Court—No. I have considered this very carefully.

Mr. Manton—But you admitted the testimony of Mrs. Rosenberg.

The Court—That was an entirely different situation. That related to a conversation she had overheard between Jack Rose and her husband.

As this was the Court's decision and as Mr. Manton refused to ask any questions in the absence of the jury, there was nothing to be done save to recall the jury, and the twelve men filed solemnly in.

### HAWLEY CROSS-EXAMINED BY THE PROSECUTOR.

When the trial was resumed today, Frederick Hawley, formerly a reporter on the New York Evening Sun, was called to the stand for cross-examination by District Attorney Whitman. Hawley, who became friendly with Becker through covering stories in which the head of the Strong Arm Squad figured, in testimony yesterday contradicted Jack Rose's story that Becker met the conspirators after the murder, and also Rose's statement that he notified Becker over the telephone from the Times Square station that Rosenthal had been killed.

The telephone records show Becker's home was called from that station, but Hawley swore it was he who called up Becker both over the apartment house wire and, being unable to get Becker that way, over Becker's private wire. Hawley said he told Becker to come down, and that he met Becker at the subway station, went to the West Forty-seventh street station with him and remained with him until they ate breakfast together at 5 o'clock.

The District Attorney began the cross-examination by asking Hawley about his testimony at the last trial in which he said that after he met Becker at Forty-third street and Broadway at about 8:30 in the morning of the murder, Becker was not out of his sight more than half an hour.

Q. Have you testified that he was in your presence in the West Forty-seventh street station house save when you telephoned? A. Yes.

Q. You were asked whether he was in the station several hours and you answered yes? A. Yes.

Q. And you testified that you saw him several minutes? Is that true? A. (After a pause) Yes, that's true.

Q. And you said on the stand yesterday that you saw him only a few minutes? A. Yes.

Q. Do you know what perjury is? A. I do.

Q. This question was asked you: "He was in the station house from 8:30 until he left about 8 o'clock and you saw him a few minutes?" You answered: "Yes, to the best of my recollection." Is that the testimony you gave? A. Yes.

Q. Did you tell your city editor before the trial that Becker had been with you at that time? A. I did.

Mr. Whitman asked Hawley whether his statement to his city editor was the truth and the witness replied that it was "not exactly true."

He could not remember the names of those with whom he had talked about the events of the morning of the shooting.

Q. You were asked yesterday whether I, the District Attorney, remained in the station house the morning of the murder and you replied that I only went out once—to look at an automobile. Is that the truth? A. Yes, I so testified, but—

Q. Don't you know that I went out and remained an hour? A. I didn't

### BECKER WAS SORRY ROSEN- THAL WAS DEAD.

Q. Did you ask Becker if he'd seen the body? A. Yes, and he said he had not. Becker said he was sorry Rosenthal was dead.

Q. Did he say anything else? A. Yes, he said he had something in his pocket that would put it all over Rosenthal.

Q. Did you know Officers White and Steiner? A. I knew of Steiner.

Q. He was in the Detective Bureau and not in Becker's squad at the time of Zelig's arrest? A. Yes.

Q. You had a complaint against Zelig? A. Yes.

Q. (By Assistant District Attorney Delahanty.) You didn't tell anybody to put a revolver in Zelig's pocket? A. No.

Q. Didn't you tell the District Attorney that all Becker said to you was "I'm sorry he is dead," using the vile name for Rosenthal? A. No; I could not have said that.

In redirect examination Inspector Hughes testified that he had not told the District Attorney about his conversation with Becker until at the time of the first trial.

James Maloney, a keeper in the Tombs, said that Shapell, the chauffeur, told him that Vallon and Scheppe were passengers in the gray murder car when it fled from the scene of the murder.

### WHY PHONE WAS CHANGED IN BECKER'S PLOT.

Frank H. Roberts, superintendent of the apartment house in which the Beckers lived, was the next witness. He gave the location of the Becker flat and recalled a conversation of Julius with Becker about the telephone.

Q. What was said? A. Becker said his wife was ill and he didn't want the telephone with his apartment connected.

Q. Did you give this order to the boy at the switchboard in the house? A. I did.

Q. (By Mr. Delahanty.) You didn't cut off the telephone to the switchboard to Becker's apartment? A. Oh, no.

Detective Sergeant James G. White, formerly a member of the Becker "strong arm squad," testified that he raided Rosenthal's gambling place in April, 1912, in the presence of Becker. He said it was an honest raid on genuine evidence.

Q. (By Mr. Delahanty.) You were transferred out of Becker's squad just before you arrested Jack Zelig and back again soon afterward? A. Yes.

Q. Did you put a revolver in Zelig's pocket? A. I was tried for that and acquitted.

Q. Did you ask for a warrant for Rosenthal, the owner of the gambling house? A. No.

Q. Why not? A. Didn't know he was the owner.

White admitted that he was waiting in a number of Tenderloin resorts and was floor manager of the Haymarket for a year.

Q. Was the Haymarket a family hotel? A. Never saw anything out of the way there.

Q. Didn't you get \$200 for throwing down the case against Jack Rose's place after he said? A. I never got \$200 from anybody. I never took a cent of graft in my life.

Policeman James C. Pritchard, a member of the Becker squad, testified that he was one of the Rosenbergs' raiders, and he related the incidents leading up to the attack upon the gambling house. He also denied having seen Mrs. Rosenthal talking with Becker, contradicting the testimony of the gambler's widow. He said Mrs. Rosenthal asked him to arrest a waiter instead of her nephew.

Did you think this was an honest raid? A. Yes, I do.

### SAYS MRS. ROSENTHAL PLEADED FOR NEPHEW.

Policeman John O'Connor, another Rosenthal raider, told a story that differed materially from that of the first two. He said he saw Becker on the second floor and saw a woman he believed to be Mrs. Rosenthal and heard her ask Becker to talk to her privately.

Q. What did he reply? A. He said: No, ma'am; if you have anything you want to say to me, say it here. She said: "You have a nephew of mine under arrest. I have another here and I wish you'd take him instead." Becker said: "No, I'll take the one for whom I have a warrant." He said: "I'll take the one who was standing by the door with another man. There were warrants for two men and they were arrested."

John J. Dougherty, still another member of the Becker squad, also described the raid at Rosenthal's.

Policeman Captain W. W. Dugan, who was a lieutenant in 1909, was called to uphold the contention of the defense that Bridgie Webber blamed

### WOMAN STRUCK DOWN.

Part of Fire Escape Drops on Her Head From Building.

A piece of iron, forming part of the fire escape platform on the fifth floor of the Broadway side of the Wilmington Apartments, at the northeast corner of Broadway and Ninety-seventh street, became detached from its fastenings this afternoon and dropped to the sidewalk. It passed through an awning and struck Mrs. Tomlinson, a woman of 37, the night of the raid. A. No. If they had been I should have seen them.

Q. Did you ever hear the date, June 12, 1912, during the last trial? A. No, never.

Policeman John T. Shields, another member of the "strong arm" squad, was the next succeeding witness.

### JAMAICA TO HAVE A BIG TIME.

Arranging to Celebrate 100th Anniversary of Village.

A civic committee was organized last night to arrange for a celebration of the one-hundredth anniversary of the incorporation of the old village of Jamaica. A dinner will be given in honor of all surviving officeholders of the old village, of whom there are said to be about 100.

The villages of Jamaica, Woodhaven, Richmond Hill, Queens and Holts, all of which were incorporated into the city of Jamaica, will celebrate the anniversary on the Fourth of July.

### Man Who Fought Sugar Theft Dead.

Frank P. Pierce, chief of the bureau of affirmative actions in the Corporation Counsel's office, died of Bright's disease yesterday at his home, No. 707 St. Nicholas avenue. Mr. Pierce was a native of Springfield, Vt. He came here in 1899 and was graduated two years later from the New York Law School. In 1906 Mr. Pierce was appointed assistant corporation counsel and successfully conducted actions for \$300,000 against the Sugar Trust and the United Fruit company from public mains in Brooklyn.

### Must Reproduce "Joseph and His Brethren."

Supreme Court Justice Blanchard today granted an injunction restraining the Dorset Film Company from giving any moving pictures under the title of "Joseph and His Brethren." The injunction was granted upon application of the Lieber Company, which is producing the play by Louis H. Parker of that name.

### Policeman Hurt By Street Car.

Policeman Lloyd of the West One Hundred and Twenty-fifth street station was knocked down by a west-bound One Hundred and Twenty-fifth street car this afternoon at Amsterdam avenue and Manhattan street. He was hurt internally and Dr. B. Gardner of No. 440 West One Hundred and Twenty-ninth street, who was passing in the automobile, carried him to the Knickerbocker hospital.

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## WOMAN OF 78 BOUND, GAGGED AND ROBBED

Two Men, One a Lodger, Seize Aged Landlady and Take \$25 From Her Pocket.

Two young men to-day bound, gagged and robbed Mrs. Sophie Traub, seventy-eight years old, on the top floor of her lodging house at No. 245 West Twenty-fifth street, left her helpless in a room and departed with \$25 in cash which they had taken from a pocket in her skirt.

Mrs. Traub told the police of the West Twentieth Street Station that a young man, accompanied by a woman who he said was his wife, rented a top floor room from her Monday. The man and woman went away and the woman returned yesterday with a male companion. This morning her lodger called to her as she started to clean the rooms on the top floor. As she entered his room the two pounced on her.

The old woman managed to get her feet free and staggered downstairs after the robbers had made their escape.

### JUDGE CAN "TOTE" GUN TO ENFORCE DECISIONS

Wisconsin Jurist Has More Power Than National League Umpire.

PRAIRIE DU CHIEN, Wis., May 20.—A Judge has the right to carry a revolver when sitting on the bench in case he needs it to enforce respect for his decisions, decided Judge George Clements in the Circuit Court here today. He heard the charge brought by District Attorney Munson against Judge David L. Dobson of the Municipal Court of Bell Centre. Dobson was accused of carrying concealed weapons.

"There is a rough element at Bell Centre, Judge," explained Dobson, "and unless backed by a gun there is often a 'kick' at my decisions."

The case was dismissed.

### SEIZED WITH FIT AS CASE IS TRIED

Bricklayer Suing for Injuries Shows His Condition by Falling in Court Corridor.

Michael Cummings, a bricklayer, of No. 1734 Lexington avenue, who is suing the Ading Pierce Company for damages for personal injuries sustained while at work, accidentally demonstrated to a jury in Justice Weeks's part of the Supreme Court today just how badly he had been injured by falling in a fit of epilepsy.

A physician called by the Ading Pierce Company had just concluded testimony to the effect that Cummings was not entitled to any great amount of damages, when the bricklayer, who was sitting among other witnesses, made a lunge at a strange man who was passing him.

"Quit following me!" shouted Cummings as he attempted to strike the man. The latter ran out of the courtroom, followed by the bricklayer. When he reached the corridor Cummings fell in a fit. Court attendants and Dr. H. H. Archer of the Fire Department, who happened to be near, came to his aid. He was removed to a courtroom and finally taken away in an ambulance.

Cummings was struck on the head on Sept. 12, 1912, and received a fracture of the skull. The Ading Pierce Company admitted its responsibility for the mishap, but pleaded that Cummings was not entitled to large damages. The bricklayer claimed that he has suffered with severe headaches and epilepsy ever since he was injured.

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